

#5
PATENT
ATTORNEY DOCKET: 031855.0007

DAC 1655

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Ning LI et al.

Application Number: 09/855,682

Filed: May 16, 2001

For: DNA MARKERS FOR PIG LITTER SIZE

Group Art Unit: 1655

Examiner: J. Einsmann

**PETITION FOR UNINTENTIONALLY DELAYED BENEFIT CLAIM
AND AMENDMENT**

ATTN: OFFICE OF PETITIONS
Commissioner for Patents
Washington, D.C. 20231

Sir:

The following amendments are submitted in response to the Office Action dated June 5, 2002, in the above-identified application.

Kindly amend the first page of the application by inserting before the first sentence:

This application is a divisional application of Application No. 09/329,796, now U.S. Patent No. 6,291,174, filed June 10, 1999.

Subject application was clearly filed as a divisional application of parent 09/329,796, as stated in the transmittal letter filed May 16, 2001. Reference to the parent application was unintentionally omitted from the specification at that time, and the entire delay between the date claim of priority was due under 37 CFR 1.78(a)(2) or (a)(5) and the date claim as filed was unintentional.

10/12/2002 09000039 501640 09055682
CA FEE \$ 250.00 EX 130.00 GP

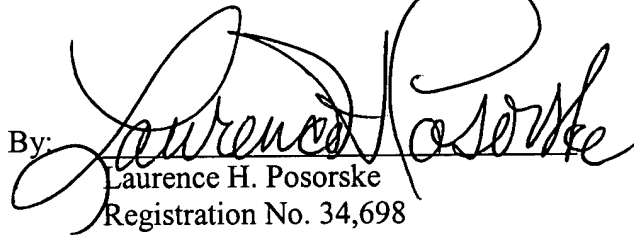
A check in the amount of \$130.00 is enclosed. In the event any variance exists between the amount enclosed and the Patent Office charges, please charge or credit any difference to the undersigned's Deposit Account No. 50-1640.

Respectfully submitted,

BROBECK, PHLEGER & HARRISON LLP

Dated: October 7, 2002

By:


Laurence H. Posorske
Registration No. 34,698

Brobeck, Phleger & Harrison LLP
Intellectual Property Department
1333 H Street, N.W.
Suite 800
Washington, DC 20005
(202) 220-6000 (telephone)
(202) 220-5200 (facsimile)

LHP:cdh